

**Saint Paul Planning Commission  
City Hall Conference Center  
15 Kellogg Boulevard West**

**Minutes May 13, 2011**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, May 13, 2011, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. Merrigan, Perrus, Reveal, Thao, Wencil; and  
Messrs. Commers, Connolly, Fernandez, Gelgelu, Kramer, Nelson, Ochs, Oliver,  
Schertler, Spaulding, Ward, Wickiser.

**Commissioners Absent:** Mmes. \*Halverson, \*Porter, \*Wang, \*Young.  
\*Excused

**Also Present:** Donna Drummond, Planning Director; Lucy Thompson, Patricia James, Merritt Clapp-Smith, Kate Reilly, Sarah Zorn, Jessica Rosenfeld, Emily Goodman, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes April 29, 2011.**

**MOTION:** *Commissioner Thao moved approval of the minutes of April 29, 2011.  
Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

**II. Chair's Announcements**

Chair Commers announced that several commissioners attended the Great River Gathering dinner the previous evening. The focus of the presentation was the work on the Great River Park, and there will be a public event to present the work on June 16<sup>th</sup> and suggested that commissioners mark their calendars for that event.

**III. Planning Director's Announcements**

Donna Drummond also commented on the Great River Gathering dinner, saying the Riverfront Corporation had unveiled a new iPhone application called "Imagine Saint Paul." It is an application that you can download and if you see something while traveling in another city that is a good example of urban design that Saint Paul might consider, you take a picture of it, add your comments, and send it in. The Riverfront Corporation will post these examples on their web site.

The state legislature approved new language regarding variances that has been signed by the governor and is effective immediately. Staff from PED and the Department of Safety and Inspections, which staffs the Board of Zoning Appeals, met this week and crafted some new findings for variances. These will be a working draft until the zoning code section that pertains to those findings can be amended. Peter Warner will be talking with the Zoning Committee at their next meeting about the new findings.

Diane Wanner is the staff liaison to the district councils, working out of the City Council offices. She collects information for the district councils that she sends out periodically via email, including upcoming events and resources that are available. Ms. Drummond is going to send out the next one to the Planning Commission and ask each commissioner to respond if he or she would like to continue to receive it. An email group will be created for the commissioners who want to receive it.

#### **IV. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. *(Tom Beach, 651/266-9086)*

Three items came before the staff Site Plan Review Committee on Tuesday, May 10, 2011: Wheelock Early Education Center Parking Lot located at 1521 Edgerton Street, concrete and asphalt work and security lighting; Linwood Monroe School Parking Lot located at 810 Palace, roof, paving and misc improvements; and Lower Afton Trail Restoration located at 2125 Lower Afton Road (new address to be assigned), trail extension.

One item to come before the Site Plan Review Committee on Tuesday, May 17, 2011: Meridian Industrial Center located at 620 Pelham Blvd., new 68,000 square foot office/industrial building.

#### **NEW BUSINESS**

*Note: Commissioner Wenzl assumed the Chair for discussion and voting on the first two cases.*

#11-130-239 Greater Frogtown CDC (783 Charles) – Re-establishment of nonconforming use as a duplex. 783 Charles Avenue between Grotto and Avon. *(Sarah Zorn, 651/266-6570)*

Commissioner Connolly asked if there will be more of these cases and what can be done to prepare for it or lay the ground work.

Commissioner Kramer explained that many of these duplexes have not been vacant a year, so they don't need to go through this process. For those that do, every case has to have its own findings because they are all in different zoning and planning districts, have different lot sizes, etc. The Neighborhood Planning Committee will be discussing nonconforming use regulations at their next meeting, and there may be some streamlining options in the text amendments.

Commissioner Ward asked about the condition that requires that all of the remodeling be done on the inside of the building as it relates to a proposed dormer addition shown on plans.

Commissioner Nelson explained that testimony at the hearing indicated that the dormer would not be constructed, so the condition was put into the resolution to document this.

There was discussion about the foreclosure and vacant buildings process. Commissioner Fernandez stated that District 7 wanted the City to be more transparent about vacant properties that the City or HRA acquires.

Commissioner Schertler expressed support for the idea.

Donna Drummond, Planning Director said that it would be appropriate for the district councils to be requesting that information of the HRA and PED staff, but it is not germane to the zoning decision.

Commissioner Spaulding stated, in response to Commissioner Connolly's question that the commission established and adopted guidelines for nonconforming use permits for duplexes that are found in Finding 3 of the resolution.

**MOTION:** *Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of legal nonconforming use status subject to additional conditions. The motion carried on a voice vote with Commissioner Commers abstaining.*

#11-130-099 Greater Frogtown CDC (711 Charles) – Re-establishment of nonconforming use as a duplex. 711 Charles Avenue between St. Albans and Grotto. (Sarah Zorn, 651/266-6570)

**MOTION:** *Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of legal nonconforming use status subject to additional conditions. The motion carried on a voice vote with Commissioner Commers abstaining.*

#11-130-458 St. Paul Credit Union – Conditional Use Permit for drive-through service accessory to credit union, with modification of required setback from residential property. 1664 University Avenue West between Fry and Pierce. (Sarah Zorn, 651/266-6570)

Commissioner Ward asked for information regarding the fence.

Commissioner Merrigan said that the type of fence would be stipulated as part of the site plan review in accordance with the requirements of the City of Saint Paul. The Zoning Committee was clear that the fence was to be located on the property of the credit union so that there would not be any easement or maintenance issues with the neighboring property.

**MOTION:** *Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

#11-130-360 Renaissance Fireworks – Conditional Use Permit for seasonal outdoor sale of consumer fireworks with modifications. 2089 Hudson Road between McKnight and Pedersen. (Kate Reilly, 651/266-6618)

Commissioner Kramer said that there is a correction to be made in the resolution to adjust the sale days this year, so that the applicant can sell from June 24 through July 4<sup>th</sup>.

**MOTION:** *Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions.*

Commissioner Spaulding stated that he opposed the change of dates. The change of dates needed a compelling purpose, and he did not find that strict application of the code would unreasonably limit the use of the property.

Commissioner Fernandez said that the applicant stated that following the dates in the Zoning Code would take away about 10% of his revenue. The applicant would have the same number of total sales days as other applicants. This adjustment makes sense, so he supports the change.

Commissioner Wencil stated that she was not in favor of the location of the tent. She thinks it will cause parking hazards and that ingress and egress would be difficult.

Commissioner Kramer clarified that the application indicated a sales location, but that is not a part of what the Planning Commission is approving. The application does not require it to be in that spot.

Patricia James, PED staff said the conditional use permit will go with the property, and the management company has some flexibility about where the sales would take place. The fire marshal has to approve the location to make sure that it meets all the requirements in the code.

Commissioner Kramer said that the commission can attach a condition ruling out the proposed location, or ask that it be evaluated relative to the traffic and access concerns.

Commissioner Ward asked if it is standard practice that the site plan for fireworks sales is reviewed by Public Works in order to assess traffic flow.

Ms. James said these are not permanent improvements, so it does not go through any type of site plan review. Generally it is assumed that the property owner and manager would not want to create an unsafe traffic condition. The fire marshal reviews the location to ensure compliance with the National Fire Protection Association standards.

Commissioner Merrigan said that the Zoning Committee discussed this and decided that there is more than adequate parking on the site. Sales for 10-days would not create the kind of conditions that would require a traffic study.

*Commissioner Oliver moved to amend the motion to add an additional condition that the uses will be located between entrances to the parking lot. Commissioner Wencil seconded the motion.*

Commissioner Spaulding spoke against the proposed amendment because there has to be some sort of public purpose for the Planning Commission action, and this simply shifts parking within private property.

Commissioner Nelson also stated his opposition to the amendment.

Commissioner Merrigan spoke in opposition to the amendment.

Commissioner Wencil stated that she believes the middle area is more appropriate; she does not see the kind of traffic and near accidents that she sees in the other area.

Commissioner Kramer suggested that they should add a condition asking Public Works and DSI to review the location for traffic and egress/ingress issues from a public safety stand point, not just an operational stand point, with staff allowed to modify the location if warranted.

Commissioner Oliver rephrased the amendment to state: staff will review the location for traffic safety and egress/ingress issues.

Commissioner Merrigan spoke in opposition to the amendment.

**AMENDMENT TO MOTION:** *Chair Commers repeated Commissioner Oliver's motion to add a 5<sup>th</sup> condition that states "site plan review staff in Public Works and DSI will review the tent location for traffic safety and egress/ingress issues and may modify the location after consultation with the fire marshal as needed." The motion carried 9-8 (Connolly, Fernandez, Merrigan, Ochs, Perrus, Reveal, Spaulding, Thao) on a voice vote.*

*The main motion carried 14-3 (Fernandez, Spaulding, Thao) on a voice vote.*

#11-129-965 Capitol Lien & Title – Determination of similar use for vertical wind turbines in the B3 general business district. 1010 Dale Street North between Lawson and Hatch.  
(Kate Reilly, 651/266-6618)

*Commissioner Kramer reported that the Zoning committee laid this case over to the May 19, 2011 meeting.*

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, May 19, 2011.

## **V. Comprehensive Planning Committee**

Zoning Amendments to St. Paul's Use Definitions and Off-Street Parking Requirements for Establishments Serving Wine, Beer or Liquor - Proposed text amendments for establishments serving wine, beer and liquor. (Merritt Clapp-Smith, 651-266-6547)

Merritt Clapp-Smith, PED staff presented proposed amendments related to use definitions and off-street parking for establishments serving wine, beer and liquor. This is follow-up to the comprehensive off-street parking amendments that went through Planning Commission a year ago and then to City Council. Ms. Clapp-Smith presented background and an update. On June 16, 2010, the City Council adopted the comprehensive amendments to off-street parking requirements with one major exception, for establishments serving wine, beer or liquor. It had been proposed that establishments with wine and beer might be permitted to reduce their parking requirements along with restaurants not serving wine and beer. Restaurants without wine, beer or liquor service had their parking requirement reduced to 1 space per 400 square feet. However, due to some councilmembers' concerns about nuisance and parking problems associated with some alcohol serving establishments, the City Council did not amend parking requirements for these places, leaving the requirements at 1 space per 125 square for establishments serving wine or beer, and at 1 space per 100 square feet for establishments serving liquor or with entertainment A or B licenses.

Following the City Council's vote on the amendments, the Council requested PED and DSI staff to follow-up with a more detailed evaluation of alcohol serving establishments and how they are handled through zoning and licensing. Over the past year, PED and DSI staff has considered a variety of changes, focusing on the characteristics that differentiate one type of use from another in operations and impact to the surrounding area. Based on staff evaluation, it is suggested that

establishments with late night alcohol service or entertainment have the potential for a higher volume of patrons with more people standing and/or dancing. This higher patron concentration may correlate with higher parking demand, which increases the potential for overflow onto neighborhood streets, which creates more of a nuisance late at night.

Staff proposed code and licensing amendments that better differentiate between establishments serving alcohol, the impacts they create, and parking needs. A new use term and definition is proposed for "BAR – an establishment that serves wine, beer, or intoxicating liquor for consumption on the premises any time between midnight and 2:00 a.m." By contrast, the definition for "Restaurants" would remain as is, being an establishment that serves food, with or without wine, beer, or liquor service and closing before midnight. If the new use definition for "Bar" is adopted, it is recommended that the parking requirement for "Restaurants" be reduced to 1 space per 400 square feet, consistent with establishments that do not provide alcohol service -- the rationale being that patron volume and parking demand does not change based on the type of beverage being consumed with food. "Bars" would be proposed for a higher parking requirement due to the potential for increased patron volume and related nuisance concerns if there is spillover parking in the neighborhood. The Comprehensive Planning Committee has not proposed a specific parking requirement for "bars", but instead wanted the Planning Commission to be presented with a range of requirement options.

The Comprehensive Planning Committee does not recommend a public hearing at Planning Commission on the matter, since it involves zoning amendments already considered at Planning Commission and is being done as follow up in response to a request of City Council. Planning Commission can make a recommendation to City Council and have Council host the public hearing and discussion process.

Commissioner Perrus asked how many parking spaces are available and what is being done to nonconformities and requiring additional parking if they expand.

Ms. Clapp-Smith said that establishments meeting the bar definition vary widely in the amount of parking provided, based on how long they've existed. If they have been around for awhile, such as storefronts on the City's historic commercial streets, then they may have no parking and are now grandfathered in. If parking requirements do change, a new baseline for the amount of required parking will be established and used in determining parking required for expansion or change of use.

Commissioner Fernandez asked if there a place to register parking spaces and if staff had evaluated parking levels and demand in existing lots. He also questioned why the Planning Commission would not host a public hearing.

Commissioner Merrigan clarified the public hearing question for Commissioner Fernandez, stating that the Planning Commission had already held a public hearing on the overall parking amendments, of which this is just a small follow up item requested by City Council. For that reason, hosting another public hearing is more appropriate during City Council review.

Commissioner Connolly voiced a symbolic 'no' vote because he does not think that the proposed parking requirement reductions for establishments with alcohol service go far enough in making it easier to operate these types of businesses in the City.

Commissioner Kramer said that instead of selecting a recommended parking requirement for “bars”, the Planning Commission could send the proposal forward to City Council with a menu of options that demonstrate how much parking would be provided under different requirement levels. He said that Planning Commission previously sent a specific recommendation on parking for these types of establishments to City Council, which the Council did not adopt, so perhaps a range of options should be sent this time and the Council can select from among them.

Donna Drummond, Planning Director, pointed out that the current requirement in place is 1 space per 125 square feet for establishments serving wine and beer and 1 space per 100 square foot for establishments serving liquor or entertainment A & B licenses. The policy question is whether the parking requirement should be reduced for places that close by midnight, defined as “restaurants”.

Ms. Clapp-Smith said that the secondary question to that is at what level to set the parking requirement for “bars”.

Commissioner Nelson said there are other important considerations for determining parking, such as how many employees there are and where they park during the 8 to 9 hour shifts. They may be parking on nearby residential streets. Another issue is that midnight closing is still late in terms of having the potential to disturb a neighborhood, so perhaps a different time frame should be used to differentiate a restaurant and a bar.

Ms. Clapp-Smith responded on the data question previously posed by Commissioner Fernandez. She said that when staff were doing parking lot utilization studies, they could only think of three places within the bar category that had stand alone parking lots where an accurate count could be conducted. Within those lots, there was large variation in the parking demand, with none of them being near full, and it seemed that the businesses were not examples of what the most successful businesses might experience. In addition, the parking counts were not done after midnight. Therefore, staff has not used the data because it is not representative or conclusive. She felt that an accurate study with good data pointing out clear trends in parking demand for bars was not possible in the City, due to a lack of stand alone bar parking lots, the wide variation in demand from business to business and the difficulty in getting staff counts late at night.

Commissioner Thao pointed out that advocating for more parking at drinking establishments, seems to unintentionally support more drinking and driving.

Commissioner Schertler said that he patronizes Scusi and Groveland Tap and that it is unfortunate that a parking lot is located at the corner of Fairview and St. Clair to support these businesses, because a parking lot is contrary to promoting land use density in the City. The land use implication is that high parking requirements will promote a land use that conflicts with development and land use density goals. He noted that he is in the habit of walking to Scusi because there used to be no place to park, and that was okay.

**MOTION:** *Commissioner Merrigan moved the Comprehensive Planning Committee’s recommendation to approve the Zoning code text amendments with an attachment providing information on the choice of parking requirements for bars. The motion carried 15-2 (Connolly, Nelson) on a voice vote.*

Neighborhood STAR Applications: Comments Regarding Conformance with the Comprehensive Plan and Comments to CIB Committee and Neighborhood STAR Board Regarding Capital Improvement Priorities – Approve resolution to transmit comments.  
(Donna Drummond, 651/266-6556)

Commissioner Merrigan said that the commissioners have a memo before them prepared by Donna Drummond, Planning Director. There was discussion when the CIB proposals were reviewed about clarifying the role of the Planning Commission as part of the review for these items. The Comprehensive Planning Committee discussed this and felt that their charge was to review the STAR applications in terms of their compliance with the goals of the Comprehensive Plan. The Committee thought it would be most useful to just highlight the applications that specifically addressed goals of the Comprehensive Plan and the spreadsheet was reformatted to reflect that. The Committee also discussed the more general comments on capital priorities that are included in the memo. The Committee will consider in future funding cycles whether to highlight certain high priorities for action from the Comprehensive Plan depending upon current conditions in the city.

**MOTION:** *Commissioner Merrigan moved the Comprehensive Planning Committee's recommendation to approve the resolution to transmit comments to the CIB Committee and the STAR Board. The motion carried unanimously on a voice vote.*

#### **VI. Neighborhood Planning Committee**

District 9 Residential Zoning Study – Approve resolution initiating zoning study. (Jessica Rosenfeld, 651/266-6560)

**MOTION:** *Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution initiating a zoning study. The motion carried unanimously on a voice vote.*

District 9 Commercial Zoning Study – Approve resolution initiating zoning study.  
(Lucy Thompson, 651/266-6578)

**MOTION:** *Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution initiating a zoning study. The motion carried unanimously on a voice vote.*

Smith Avenue Revitalization Plan – Recommendation to release the draft for public review and set a public hearing for June 24, 2011. (Kate Reilly, 651/266-6618)

**MOTION:** *Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to release the draft for public review and set a public hearing for June 24, 2011. The motion carried unanimously on a voice vote.*

#### **VII. Transportation Committee**

Transportation Committee Guidelines – Approve resolution adopting new guidelines.  
(Emily Goodman, 651/266-6059)



Commissioner Spaulding said the guidelines are in place to give the committee a framework to think about the issues that come in front of them. The framework comes directly out of the Transportation chapter of the Comprehensive Plan that was adopted last year. This has come as part of a larger discussion about what issues they choose and when they review them and how they review them. This at least begins to solidify the very core of what they hope to do as a committee.

Chair Commers said that he thinks the nine guidelines are excellent and that there clearly has been a lot of thought put into these. One suggestion is to do some thinking on how does the committee know to what extent they are achieving these outcomes and how to measure either in a quantitate or qualitative fashion to what extent they are making progress towards these intended outcomes. He thanked the Transportation Committee for its work.

**MOTION:** *Commissioner Spaulding moved the Transportation Committee's recommendation to approve the resolution adopting the new guidelines. The motion carried unanimously on a voice vote.*

Commissioner Spaulding added one other thing they discussed at the meeting – a grant opportunity to install about 200 bike racks throughout the city. Emily Goodman worked on that and also on the guidelines. He thanked Emily for her work.

Commissioner Spaulding announced the items on the agenda for the next Neighborhood Committee meeting on Monday, May 16, 2011.

#### **VIII. Communications Committee**

No report.

#### **IX. Task Force Reports**

Commissioner Commers reported that the West Midway Industrial Task Force has been meeting since last fall and they have done analysis and work on what uses are currently found in the West Midway and how to preserve the industrial uses. They will be taking a summer break to do some thinking and writing of text. The task force will resume meeting in September.

Commissioner Wencil reported that last Tuesday the Near East Side task Force met and had a tour of the Hamm's Brewery buildings and the businesses that are located there. Commissioner Wencil also announced the items on the agenda for the next Neighborhood Committee meeting on Wednesday, May 18, 2011.

Donna Drummond, Planning Director, followed up on the discussion about the two zoning cases on the re-establishment of nonconforming use for duplexes. She thinks it would be helpful to organize a Planning Commission informational presentation about the City's work to expend NSP (Neighborhood Stabilization Program) funds from the federal government to acquire vacant and foreclosed properties and stabilize neighborhoods. An update on progress of this program would be helpful background information as the Commission considers these types of applications.

**X. Old Business**

None.

**XI. New Business**

None.

**XII. Adjournment**

Meeting adjourned at 10:22 a.m.

Recorded and prepared by  
Sonja Butler, Planning Commission Secretary  
Planning and Economic Development Department,  
City of Saint Paul

Respectfully submitted,

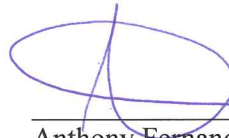


Donna Drummond  
Planning Director

Approved

5-27-11

(Date)



Anthony Fernandez  
Secretary of the Planning Commission